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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1-30-02  
R. G. Gable

Applicants: Feiling Wang, Kewen Kevin Li, Dean Tsang  
Application No.: 09/715,867 Group: 2873  
Filed: November 17, 2000 Examiner: Tra, T.  
For: SPATIAL LIGHT MODULATOR

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>11/15/01</u>	<u>J. Simen</u>
Date	Signature
<u>Judith Simen</u>	
Typed or printed name of person signing certificate	

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Confirmation of Reset of Period For Reply Due To Patent Office Error

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants have now received an Office Action in the above-referenced matter mailed from the U.S. Patent and Trademark Office on October 22, 2001. Applicants have also now received a follow-up facsimile from the U.S. Patent and Trademark Office on October 25, 2001.

Applicants have previously made a verbal election to select Group I (claims 1-19) without traverse. That election of species is hereby confirmed herein.

The Office Action asks for us to provide a detailed action on the application, including a rejection of the claims in view of the prior art under 35 U.S.C. §103(a). The Office Action provides a one-month shortened statutory period to reply. However, the one-month shortened statutory period should only be used for a requirement for restriction or election of species when

no action is also provided on the merits. See MPEP 710.02(b), and 809.02(a). Normally, three months is to be provided to reply to any Office Action on the merits. The follow-up facsimile has reset the shortened statutory period to three months; a copy of the facsimile is attached.

The Applicants now understand the Office Action to be non-final with a due date of January 22, 2002.

Applicants believe that no fee should be charged for filing of this Confirmation due to the fact that it was caused by the Patent Office's error. However, should it be believed that a fee is due under 37 C.F.R. 1.17(h), the Patent Office is authorized to hereby charge any such fee to Deposit Account No. 08-0380.

During the telephone conversation between David J. Thibodeau, Jr., Esq., Registration No. 31,671, and Examiner Tra on Thursday, October 25, 2001, Examiner Tra agreed this action would be appropriate.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon  
Mark B. Solomon  
Registration No.: 44,348  
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Concord, MA 01742-9133  
Dated: November 15, 2001

TO:David Thidodeau COMPANY:

**COPY**



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## Patent Technology Center 2800

# Facsimile Transmission

To:           **Name:**                         **David Thidodeau**  
                 **Company:**  
                 **Fax Number:**                 **9783410136**  
                 **Voice Phone:**

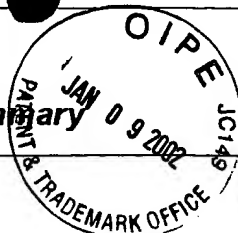
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**This facsimile transmission is designed to increase the ease and speed by which the U.S. Patent and Trademark Office can communicate with applicants. The fax number used to transmit this document should not be used to submit responses to Office Actions or any other official communications with the Patent and Trademark Office. All such papers intended for this Technology Center that are eligible for transmission via facsimile should only be submitted to the 'Official Fax Number' listed above in the "From" section of the heading of this page. Please see the Manual of Patent Examining Procedure (MPEP) for the Office's complete policy concerning facsimile transmissions.**

Fax Notes:

Date and time of transmission: Thursday, October 25, 2001 2:54:22 PM  
Number of pages including this cover sheet: 03

 <p><b>Office Action Summary</b></p>	<p><b>Application No.</b> 09/715,867</p>	<p><b>Applicant(s)</b> Wang et al.</p>
	<p><b>Examiner</b> Tuyen Q Tra</p>	<p><b>Art Unit</b> 2873</p>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 July 2001.
- 2a) This action is **FINAL**.                      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
  - 4a) Of the above claim(s) 20-40 is/are withdrawn from consideration.
- 5) Claim(s) is/are allowed.
- 6) Claim(s) 1-4,6-12 and 18 is/are rejected.
- 7) Claim(s) 5,13-17 and 19 is/are objected to.
- 8) Claims are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All   b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

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Continuation Sheet (PTO-326)

Application No.

## Attachment(s)

- |  |   |
|--|---|
| 15) Notice of References Cited (PTO-892)                         | 18) Interview Summary (PTO-413) Paper No(s) . .     |
| 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)     | 19) Notice of Informal Patent Application (PTO-152) |
| 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) . | 20) Other: .  |

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